

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TAXATION**

**Call to Order:** By **CHAIRMAN JIM ELLIOTT**, on April 9, 2007 at 2:00 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Jim Elliott, Chairman (D)  
Sen. Jerry W. Black (R)  
Sen. Jeff Essmann (R)  
Sen. Kelly Gebhardt (R)  
Sen. Kim Gillan (D)  
Sen. Dan Harrington (D)  
Sen. Christine Kaufmann (D)  
Sen. Jim Peterson (R)  
Sen. Bob Story Jr. (R)

**Members Excused:**

Sen. Sam Kitzenberg (D)  
Sen. Trudi Schmidt (D)

**Members Absent:** None.

**Staff Present:** Lee Heiman, Legislative Branch  
Lois O'Connor, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 822, 4/4/2007; HB 463, 4/4/2007;  
HB 843, 4/4/2007; HB 801, 4/4/2007  
Executive Action: HB 337, HB 490, HB 680, HB 40

00:01:47

**Discussion:**

00:02:28 Sen. Jim Elliott

**HEARING ON HB 822**

**Opening Statement by Sponsor:**

00:03:05 **REP. MICHELE REINHART (D), HD 97**, opened the hearing on  
**HB 822**, Generally revise biodiesel and ethanol laws.

**Proponents' Testimony:**

00:07:06 Dale Bickell, Private Citizen

00:09:05 Rick Moore, Northern Plains Resource Council (NPRC)

00:11:23 Anna Peterson, Montana Environmental Information Center

00:11:42 Megan Brower, Montana Farm Bureau

00:12:04 Matt Elsaesser, S.A.V.E. Foundation

00:12:24 Sara Cobler, Montana Conservation Voters

**Opponents' Testimony:** None.

**Informational Testimony:**

00:13:10 Brian Olsen, Montana Department of Revenue (DOR)

**Questions from Committee Members and Responses:**

00:13:43 Sen. Kelly Gebhardt to Rep. Reinhart

00:14:37 Sen. Gebhardt to Mr. Olsen, DOR

00:15:32 Sen. Robert Story to Rep. Reinhart

00:16:40 Sen. Story to Mr. Olsen, DOR

00:18:50 Sen. Jerry Black to Rep. Reinhart

00:20:46 Sen. Jeff Essmann to Mr. Moore, NPRC

**Closing by Sponsor:**

00:22:05 Sen. Reinhart

**HEARING ON HB 463**

**Opening Statement by Sponsor:**

00:22:54 **REP. DAN VILLA (D), HD 86**, opened the hearing on **HB 463**, Revise taxation of new or expanded business enterprise property.

**Proponents' Testimony:**

00:26:34 Evan Barrett, Office of the Honorable Governor Brian Schweitzer (Governor's Office)

00:31:12 Rick Edwards, Montana Economic Developers Association (MEDA) and for Montana Ambassadors

**EXHIBIT (tas74a01)**

**EXHIBIT (tas74a02)**

00:33:22 Webb Brown, Montana Chamber of Commerce

00:34:02 Dennis Lopach, REC Silicon

00:36:58 Don Allen, Western Environmental Trade Association (WETA)

**Opponents' Testimony:** None.

**Informational Testimony:**

00:38:08 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

**Questions from Committee Members and Responses:**

00:39:09 Sen. Gebhardt to Mr. Barrett, Governor's Office

00:42:12 Sen. Essmann to Mr. Barrett, Governor's Office

00:46:42 Sen. Kim Gillan to Mr. Blattie, MACo

00:49:35 Sen. Gillan to Mr. Barrett, Governor's Office

00:51:30 Sen. Story to Mr. Barrett, Governor's Office

00:53:54 Sen. Story to Dallas Reese, Montana Department of  
Revenue (DOR)

00:55:44 Sen. Black to Mr. Barrett, Governor's Office

00:58:05 Sen. Elliott to Mr. Lopach, REC Silicon

00:59:09 Sen. Elliott to Rep. Villa

01:00:34 Sen. Elliott to Mr. Brown, Montana Chamber of Commerce

**Closing by Sponsor:**

01:02:06 Rep. Villa

**HEARING ON HB 843**

**Opening Statement by Sponsor:**

01:04:02 **REP. LLEW JONES (R), HD 27**, opened the hearing on **HB 843**, Property tax exemption for transmission line impacts to adjacent property.

**EXHIBIT**(tas74a03)

**Proponents' Testimony:**

01:13:26 John Youngberg, Montana Farm Bureau and for Pat Torgerson, Women Involved in Farm Economics (WIFE)

01:13:54 Steve Pilcher, Montana Stockgrowers Association

01:14:35 Mike Murphy, Montana Water Resources Association

01:15:13 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

01:17:15 Sen. Jerry Black, SD 14

**Opponents' Testimony:** None.

**Informational Testimony:**

01:18:10 Dallas Reese, Montana Department of Revenue (DOR)

01:18:23 John Fitzpatrick, NorthWestern Energy

**Questions from Committee Members and Responses:**

01:19:41 Sen. Essmann to Rep. L. Jones

01:22:47 Sen. Essmann to Mr. Reese, DOR

01:23:40 Sen. Dan Harrington to Mr. Fitzpatrick, NorthWestern Energy

01:25:18 Sen. Christine Kaufmann to Rep. L. Jones

01:28:06 Sen. Kaufmann to Mr. Reese, DOR

01:29:24 Sen. Gebhardt to Mr. Fitzpatrick, NorthWestern Energy

01:31:55 Sen. Story to Rep. L. Jones

01:35:09 Sen. Black to Mr. Reese, DOR

01:37:38 Sen. Story to Mr. Reese, DOR

01:38:12 Sen. Elliott to Rep. L. Jones

**Closing by Sponsor:**

01:42:50 Rep. L. Jones

**HEARING ON HB 801**

**Opening Statement by Sponsor:**

01:50:07 **REP. GARY MACLAREN (R), HD 89**, opened the hearing on **HB 801**, Health insurance payments as income tax credit for certain individuals.

**Proponents' Testimony:**

01:53:45 Webb Brown, Montana Chamber of Commerce

01:54:47 Tanya Ask, Blue Cross and Blue Shield of Montana (BCBSMT)

01:55:51 Frank Cote, America's Health Insurance Plans (AHIP)

01:56:49 Don Allen, Montana Association of Insurance Financial Advisors

**Opponents' Testimony:** None.

**Informational Testimony:**

01:58:08 Brian Olsen, Montana Department of Revenue (DOR)

**Questions from Committee Members and Responses:**

01:58:27 Sen. Kaufmann to Rep. MacLaren

02:00:27 Sen. Story to Rep. MacLaren

02:00:59 Sen. Story to Mr. Olsen, DOR

02:02:45 Sen. Jim Peterson to Mr. Olsen, DOR

02:03:33 Sen. Kaufmann to Mr. Cote, AHIP

02:04:22 Sen. Elliott to Ms. Ask, BCBSMT

02:05:55 Sen. Black to Mr. Olsen, DOR

02:06:44 Sen. Story to Rep. MacLaren

02:08:15 Sen. Elliott to Anthony Preite, Director, Montana  
Department of Commerce

02:09:22 Sen. Elliott to Rep. MacLaren

02:11:10 Sen. Kaufmann to Rep. MacLaren

**Closing by Sponsor:**

02:13:22 Rep. MacLaren

**EXECUTIVE ACTION ON HB 337**

02:15:47 **Motion:** SEN. GILLAN moved that HB 337 BE CONCURRED IN.

02:16:25 **Motion:** SEN. GILLAN moved to amend HB 337 with  
amendment #HB033701.ALH.

**EXHIBIT**(tas74a04)

**Discussion:**

02:16:47 Lee Heiman, Staff Attorney, Legislative Services  
Division (LSD)

02:18:46 Sen. Story to Mr. Heiman, LSD

02:19:40 **Vote:** Motion that amendment #HB033701.ALH be approved carried unanimously by voice vote.

02:19:56 **Motion:** SEN. GILLAN moved that HB 337 BE CONCURRED IN AS AMENDED.

**Discussion:**

02:20:10 Sen. Story

02:21:51 Sen. Elliott

02:22:32 Sen. Essmann to Sen. Story

02:23:14 Sen. Gillan to Mr. Heiman, LSD

02:23:59 **Vote:** Motion that HB 337 BE CONCURRED IN AS AMENDED carried unanimously by voice vote. SEN. KITZENBERG and SEN. SCHMIDT were excused. SEN. GEBHARDT will carry the bill.

**EXECUTIVE ACTION ON HB 490**

02:25:47 **Motion:** SEN. GEBHARDT moved that HB 490 BE CONCURRED IN.

**Discussion:**

02:26:07 Sen. Story

02:26:54 **Vote:** Motion that HB 490 BE CONCURRED IN carried unanimously by voice vote. SEN. KITZENBERG and SEN. SCHMIDT were excused. SEN. KAUFMANN will carry the bill.

**EXECUTIVE ACTION ON HB 680**

02:27:41 **Motion/Vote:** SEN. ELLIOTT moved that HB 680 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. KITZENBERG and SEN. SCHMIDT were excused. SEN. ELLIOTT will carry the bill.

**EXECUTIVE ACTION ON HB 40**

02:28:45 **Motion:** SEN. GILLAN moved to RECONSIDER THE MOTION on HB 40.

**Discussion:**

02:29:55 Sen. Story

02:30:38 Sen. Elliott

02:31:25 Sen. Gebhardt

02:32:24 Sen. Peterson

02:32:48 Sen. Gillan to Sten Iversen, Montana Department of Commerce (MDOC)

02:33:30 Sen. Peterson to Mr. Iversen, MDOC

02:34:52 **Vote:** Motion to RECONSIDER THE MOTION on HB 40 carried 6-5 by roll call vote with SEN. BLACK, SEN. ELLIOTT, SEN. ESSMANN, SEN. GEBHARDT, and SEN. STORY voting no. SEN. SCHMIDT voted aye by proxy.

**Discussion:**

02:35:42 Sen. Gillan

02:36:39 Sen. Story

02:37:10 **Motion:** SEN. GILLAN moved that HB 40 BE CONCURRED IN.

**Discussion:**

02:37:55 Sen. Story to Mr. Iversen, MDOC

02:39:10 Sen. Elliott to Mr. Iversen, MDOC

02:42:30 Sen. Story to Mr. Olsen, DOR

02:45:13 Sen. Elliott to Director Preite, MDOC

02:46:51 **Vote:** Motion that HB 40 BE CONCURRED IN carried 7-4 by roll call vote with SEN. ELLIOTT, SEN. ESSMANN, SEN. GEBHARDT, and SEN. STORY voting no. SEN. SCHMIDT voted aye by proxy. SEN. GILLAN will carry the bill.



**ADJOURNMENT**

Adjournment: 5:00 P.M.

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SEN. JIM ELLIOTT, Chairman

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LOIS O'CONNOR, Secretary

JE/lo

Additional Exhibits:

**EXHIBIT ([tas74aad.pdf](#))**